

THE HONORABLE BARBARA J. ROTHSTEIN

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

BALANZA ASIA CO., LTD., a Hong Kong corporation,	)	IN ADMIRALTY AND AT LAW
	)	
Plaintiff,	)	Cause No. 2:21-cv-01439-BJR
	)	
v.	)	STIPULATED MOTION FOR
	)	CONTINUANCE OF CERTAIN
EXPEDITORS INTERNATIONAL OF WASHINGTON, INC., a Washington corporation,	)	DISCOVERY DEADLINES AND
	)	ORDER
	)	<b>NOTE FOR MOTION:</b>
Defendant.	)	<b>APRIL 22, 2022</b>

COME NOW both parties to this action, plaintiff Balanza Asia Co. Ltd. (“Balanza”) and defendant Expeditors International of Washington, Inc. (“Expeditors”), and jointly request that certain expert witness and discovery deadlines be extended.

The reasons for this request are as follows: this case involves the 1200’ super container cargo ship ONE AQUILA, which sustained a container stack collapse as well as a loss of more than 100 containers overboard in November 2020 while enroute from Ho Chi Minh City, Vietnam to Long Beach, California. The parties agree that expert testimony will be pivotal to determine what caused the stack of containers to collapse and/or the containers to be lost overboard.

STIPULATED MOTION FOR CONTINUANCE  
OF DISCOVERY DEADLINES AND ORDER - 1  
NO. 2:21-CV-01439-BJR

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The current case scheduling order contains the following deadlines:

Reports from expert witness under FRCP 26(a)(2) due	May 16, 2022
Discovery completed by	June 15, 2022
All dispositive motions must be filed by	July 15, 2022
All motions <i>in limine</i> must be filed by	November 7, 2022
Joint Pretrial Statement	November 14, 2022
Pretrial conference	November 28, 2022
Length of Bench Trial	1-2 days
Bench Trial Date	December 12, 2022

In the transaction at issue, Expeditors operated as a non-vessel operating common carrier as defined by 46 CFR 512.2(k) and (m)(2) (“NVOCC”). As an NVOCC, Expeditors did not actually operate the vessel, the ONE AQUILA, on which Balanza’s cargo was lost or destroyed. Rather, Expeditors booked transit of plaintiff’s shipment with ocean carrier Hyundai Merchant Marine (“HMM”), which in turn booked it for carriage on ONE AQUILA, operated by ocean carrier Ocean Network Express (“ONE”). Consequently, Expeditors did not have possession of documents or access to witnesses its expert will require to prepare his report. Expeditors has filed an indemnity action against HMM in the U.S. District Court for the Southern District of New York (“SDNY”) which is pending under Case No. 1:21 Civ. 09068 seeking recovery from HMM of any liability Expeditors might be adjudged to have to Balanza herein. Expeditors is plaintiff in another ONE AQUILA indemnity action against ONE pending in SDNY under Case No. 1:21-cv-08405. Through the two SDNY indemnity actions, Expeditors has obtained, and continues to seek through discovery and depositions, information and materials its expert will require to issue an opinion in this matter. However, as the process requires production of materials and information from multiple parties in overseas locations, Expeditors is concerned it

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will not have all materials and information its expert needs before the current May 16, 2022 expert report deadline. Accordingly, Expeditors requests that the deadline for its expert's report be extended to June 17, 2022. Balanza does not contemplate naming an expert in its case in chief, but anticipates that it would be able to name a rebuttal expert within 30 days of receiving the report of Expeditors' expert by July 18, 2022. The parties request extensions of their two expert report deadlines accordingly.

The parties also request a Rule 39.1 mediation deadline of September 30, 2022.

All other dates in the Scheduling Order (motions in limine, joint pretrial statement, pretrial conference, bench trial) would remain the same and would be unaffected by this extension of the expert discovery completion .

The parties propose that the scheduling order in this case be modified as follows, with the proposed deadlines in bolded type:

Reports from expert witness under FRCP 26(a)(2) due	June 17, 2022
<b>Reports from rebuttal expert witnesses</b>	<b>July 18, 2022</b>
Discovery completed by	<del>June 15, 2022</del> <b>August 1, 2022</b>
All dispositive motions must be filed by	<del>July 15, 2022</del> <b>August 15, 2022</b>
<b>Rule 39.1 Mediation deadline</b>	<b>September 30, 2022</b>
All motions <i>in limine</i> must be filed by	November 7, 2022
Joint Pretrial Statement	November 14, 2022
Pretrial conference	November 28, 2022
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Respectfully submitted this 22nd day of April, 2022.

LAW OFFICES OF VI JEAN RENO

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s/ Vi Jean Reno

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Expeditors International of Washington, Inc.

**ORDER**

The parties having so stipulated, and the Court finding good cause for entry hereof,

NOW THEREFORE, IT IS HEREBY ORDERED that the case schedule be modified in accordance with the dates listed above.

Dated this 22nd day of April, 2022.



Honorable Barbara J. Rothstein  
United States District Court Judge